

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

v.

ARMANDO BERNAL-JIMENEZ,

Defendant/Petitioner..

Case No. C08-5077RBL
CR05-5070RBL

ORDER

THIS MATTER comes on before the above-entitled Court upon Defendant/Petitioner's Motion for Appointment of Counsel. [Dkt. #4, C08-5077RBL]. Having considered the entirety of the records and file herein, the Court finds and rules as follows:

ORDERED that defendant/petitioner's motion is **DENIED**. Bernal-Jimenez alleges that there was insufficient evidence to convict him and that his trial and appellate counsel were ineffective. These claims do not appear complex or likely to be successful. *See* 18 U.S.C. §3006A(a)(2)(B) (court may appoint counsel in the "interests of justice" in §2255 action); *Weygant v. Look*, 718 F.2d 952, 954 (9th Cir. 1983) ("[i]n deciding whether to appoint counsel in a habeas proceeding, the district court must evaluate the likelihood of success or the merits as well as the ability of the petitioner to articulate his claims pro se in light of the complexity of the legal issues involved").

1 The Clerk shall send uncertified copies of this order to all counsel of record, and to any party appearing
2 pro se.

3 Dated this 25th day of March, 2008.

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5 RONALD B. LEIGHTON
6 UNITED STATES DISTRICT JUDGE
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